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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,747	12/20/2000	Rodrigo Ernesto Santos Loureiro	1330.1097	4982

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EXAMINER
ZEWDU, MELESS NMN

ART UNIT	PAPER NUMBER
2683	

DATE MAILED: 11/07/2003   8

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	**Application No.** 09/739,747	**Applicant(s)** LOUREIRO ET AL.
	Examiner Meless N Zewdu	**Art Unit** 2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-31_ is/are pending in the application.

    4a) Of the above claim(s) _none_ is/are withdrawn from consideration.

5)☐ Claim(s) _16 and 17_ is/are allowed.

6)☐ Claim(s) _1-15 and 18-31_ is/are rejected.

7)☐ Claim(s) _none_ is/are objected to.

8)☐ Claim(s) _none_ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _27 September 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)   4)☐ Interview Summary (PTO-413) Paper No(s). _____ .
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5)☐ Notice of Informal Patent Application (PTO-152)
3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .   6)☐ Other: .

DETAILED ACTION

1.   This action is the first on the merit of the instant application.

2.   Claims 1-31 are pending in this action.

Claim Objections

Claim 15 is objected to because of the following informalities: it is not clear whether the claim

is a method claim or a means claim. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-15 and 18-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Nhaissi (US 6,381,315B1) in view of applicant's admitted prior art (APA).

As per claim 1: A method a network comprising:
sending an invitation to one or more entities to join a hierarchy reads on '315 (see col. 6, lines 6-39).
Hierarchy would have been inherent to a communication's network and certainly to the reference,
particularly in the context of the claim.
 receiving, from the one or more of the entities, a request to join the hierarchy based upon the
invitation reads on '315 (see col. 6, lines 15-39; col. 10, lines 10-18).
adding information to the hierarchy reads on '315 (see col. 6, lines 20-39). But, Nhaissi does not
explicitly teach about creating hierarchies in a network, as claimed by applicant. However, in a related
field, applicant admits that customer hierarchies, only for postpaid, is traditional and typical which
means well known (see page 2, lines 12-22). Therefore, it would have been obvious for one of
ordinary skill in the art at the time the invention was made to modify Nhaissi's reference with the
teaching of the APA, to create customer hierarchies since it is typical or traditional or well known to do
so.
As per claim 2: The method for creating customer hierarchies via a network wherein the information
comprises a pre-paid account of the sender of the request reads on '315 (col. 5, lines 2-18; col. 6,
lines 6-60).

As per claim 3: The method for creating customer hierarchies via a network wherein the information comprises a post-paid account of the sender of the request reads on '315 (see col. 5, lines 2-18; col. 6, lines 6-60).

As per claim 4: The method for creating customer hierarchies via a network wherein the information comprises a pre-paid subscription of the sender of the request reads on '315 (see col. 6, lines 54-60).

As per claim 5: The method for creating customer hierarchies via a network wherein the information comprises a post-paid subscription of the sender of the request reads on '315 (see col. 6, lines 54-60).

As per claim 6: The method for creating customer hierarchies via a network wherein the invitation is a pre-paid account level invitation reads on '315 (see col. 5, lines 2-18; col. 6, lines 54-60). Hierarchy level would have been obvious in the above modified prior art.

As per claim 7: The method for creating customer hierarchies via a network wherein tile invitation is a post-paid account level invitation reads on '315 (see col. 5, lines 2-18; col. 6, lines 54-60). Hierarchy level would have been obvious in the above modified prior art.

As per claim 8: The method for creating customer hierarchies via a network wherein the invitation is a pre-paid subscription level invitation reads on '315 (see col. 5, lines 2-18; col. 6, lines 54-60).

As per claim 9: The method for creating customer hierarchies via a network wherein the invitation is a post-paid subscription level invitation reads on '315 (see col. 5, lines 2-18; col. 6, lines 54-60).

As per claim 10: The method for creating customer hierarchies via a wherein the entities are users and/or owners of pre-paid or post-paid mobile phones reads on '315 (see col. 5, lines 2-18; col. 6, lines 54-60).

As per claim 11: The method for creating customer hierarchies via a network further comprising: transferring value between one or more subscriptions reads on '315 (see col. 9, lines 53-67). Mixture implies transferring value between one or more subscriptions.

As per claim 12: The method for creating customer hierarchies via a network further comprising: reloading one or more subscriptions with configurable different values from one or more accounts reads on '315 (see col. 9, lines 53-67).

As per claim 13: The method for creating customer hierarchies via a network wherein the one or more accounts are associated with different types of subscriptions reads on '315 (see col. 9, lines 53-67). The Nhaissi reference advantageously provides alternative accounts and/or subscriptions.

As per claim 14: The method for creating customer hierarchies via a network further comprising: reloading one or more accounts with value from other accounts reads on '315 (see col. 9, lines 53-67). Since Nhaissi's reference teaches that two accounts/subscriptions can be combined or mixed, it would have been obvious that many more subscriptions/accounts can be mixed or combined or transferred.

Claims 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nhaissi (US 6,381,315B1) in view of applicant's admitted prior art (APA).

As per claim 15: A method for creating hierarchies via a network comprising:
means for sending an invitation to one or more entities to join a hierarchy reads on '315 (see col. 6, lines 6-39).
means for receiving, from the one or more of the entities, a request to join the hierarchy based upon the invitation reads on '315 (see col. 6, lines 15-39; col. 10, lines 10-18).). But, Nhaissi does not explicitly teach about creating hierarchies view a network, as claimed by applicant. However, in a related field, applicant admits that customer hierarchies, only for postpaid, is traditional and typical which means well known (see page 2, lines 12-22). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Nhaissi's reference with the

teaching of the APA, to create customer hierarchies since it is typical or traditional or well known to do so.

means for adding information to the hierarchy reads on '315 (see col. 6, lines 20-39).

Claims18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nhaissi (US

6,381,315B1) in view of applicant's admitted prior art (APA).

As per claim 18: A method for automatically creating hierarchies without human processing via a network, comprising:

automatically sending an invitation to one or more entities to join a hierarchy reads on '315 (see col. 6, lines 6-39).

automatically receiving, from the one or more of the entities, a request to join the hierarchy based upon the invitation reads on '315 (see col. 6, lines 15-39; col. 10, lines 10-18).

automatically adding information to the hierarchy reads on '315 (see col. 6, lines 20-39). But, Nhaissi does not explicitly teach about creating hierarchies view a network, as claimed by applicant.

However, in a related field, applicant admits that customer hierarchies, only for postpaid, is traditional and typical which means well known (see page 2, lines 12-22). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Nhaissi's reference with the teaching of the APA, to create customer hierarchies since it is typical or traditional or well known to do so.

As per claim 19: The method for creating customer hierarchies without human processing via a network wherein the information comprises a pre-paid account of the sender of the request reads on '315 (see col. 6, lines 54-60).

As per claim 20: The method for creating customer hierarchies without human processing via a network wherein the information comprises a post-paid account of the sender of the request reads on '315 (see col. 5, lines 2-18; col. 6, lines 6-60).

As per claim 21: The method for creating customer hierarchies without human processing via a network wherein the information comprises a pre-paid subscription of the sender of the request reads on '315 (see col. 6, lines 54-60).

As per claim 22: The method for creating customer hierarchies without human processing via a network wherein the information comprises a post-paid subscription of the sender of the request reads on '315 (see col. 6, lines 54-60).

As per claim 23: The method for automatically creating customer hierarchies without human processing via a network wherein the invitation is a pre-paid account level invitation reads on '315 (see col. 5, lines 2-18; col. 6, lines 54-60). Hierarchy level would have been obvious in the above modified prior art.

As per claim 24: The method for automatically creating customer hierarchies without human processing via a network wherein the invitation is a post-paid account level invitation reads on '315 (see col. 5, lines 2-18; col. 6, lines 54-60). Hierarchy level would have been obvious in the above modified prior art.

As per claim 25: The method for automatically creating customer hierarchies without human processing via a network wherein the invitation is a pre-paid subscription level invitation reads on '315 (see col. 5, lines 2-18; col. 6, lines 54-60).

As per claim 26: The method for automatically creating customer hierarchies without human processing via a network wherein the invitation is a post-paid subscription level invitation reads on '315 (see col. 5, lines 2-18; col. 6, lines 54-60).

As per claim 27: The method for creating customer hierarchies without human processing via a network wherein the entities are users and/or owners of pre-paid or post-paid mobile phones reads on '315 (see col. 5, line 2-18; col. 5, line 54-col. 9, line 39; col. 9, lines 53-67).

As per claim 28: The method for automatically creating customer hierarchies without human processing via a network further comprising:

automatically transferring value between one or more subscriptions eads on '315 (see col. 9, lines 53-67). Mixture implies transferring value between one or more subscriptions.

As per claim 29: The method for automatically creating customer hierarchies without human processing via a network further comprising:

automatically reloading one or more subscriptions with configurable different values from one or more accounts reads on '315 (see col. 9, lines 53-67).

As per claim 30: The method for automatically creating customer hierarchies without human processing via a network wherein the one or more accounts are associated with different types of Subscriptions reads on '315 (see col. 9, lines 53-67). The Nhaissi reference advantageously provides alternative accounts and/or subscriptions.

.As per claim 31: The method for automatically creating customer hierarchies without human processing via a network further comprising:

automatically reloading one or more accounts with value from other accounts on '315 (see col. 9, lines 53-67). Since Nhaissi's reference teaches that two accounts/subscriptions can be combined or mixed, it would have been obvious that many more subscriptions/accounts can be mixed or combined or transferred.

Allowable Subject Matter

Claims 16 and 17 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

As per claims 16 and 17: The prior art of record does not teach or fairly suggest the method

steps for configuring different subscription levels with different accounts, as recited in claim 16.
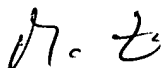
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Meless N Zewdu whose telephone number is (703) 306-5418. The examiner

can normally be reached on 8:30 am to 5:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Meless Zewdu

Examiner

29 October 2003

WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600